

CITY OF FREDERICKSBURG ADMINISTRATIVE MANUAL
CHAPTER 3- : HUMAN RESOURCES
6. Workplace Behavior and Demeanor



Adopted September 12, 2008

6. WORKPLACE BEHAVIOR AND DEMEANOR

The City expects professionalism, civility and courtesy to permeate the organization, and be evident in all actions of its employees and managers alike. This section will provide some guidance as to the nature of the City's expectations of its employees.

6.1. Attendance and Punctuality.

6.1.1. Report Promptly Employees shall report promptly at the appointed dates and times noted in their schedules. Use of annual leave is to be requested in advance and scheduled; absences due to sudden personal accidents and/or illnesses shall be reported as soon as practicable when the employee becomes aware that he/she will not be able to report as agreed. Employees must notify their supervisors according to departmental procedures; absent such departmental procedures, within two hours of their scheduled start times in order to be considered timely and excused.

- A. Failure to report in or to notify the appropriate individual in the department of the absence may be grounds for disciplinary action.
- B. Any employee who is absent from work for three consecutive days without properly notifying his/her supervisor shall be considered resigned without notice.

6.2. Standards of Conduct

Employees are expected to exercise good judgment and to conduct themselves professionally and courteously, as well as to behave in a manner that is conducive to the efficient operation of the City.

- 6.2.1. Employees are expected to refrain from conduct that that is offensive, undesirable or otherwise prohibited by City policy.
- A. Employees must render full and efficient service and safeguard the public's information.
 - B. Employees must always exercise courtesy and tact with each other and especially with members of the public.

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- C. Employees must conserve, properly use and protect the City's resources, whether funds, property, equipment or materials.
 - D. Employees must abide by Safety and Health rules, and while performing duties of the job, be aware of potential hazards to self or others so these hazards may be eliminated before accidents occur.
- 6.2.2. Employees are expected to comply with all policies, rules, regulations, Standard Operating Procedures, ordinances, codes and laws.
- 6.2.3. Prohibited conduct includes, but is certainly not limited to:
- A. Dispensing special favors or privileges to anyone or accepting favors which might be construed by a reasonable person as influencing the performance of City duties.
 - B. Making any private promises of any kind binding upon the duties of the position assigned.
 - C. Using any information received confidentially in the performance of City duties as a means for making private profits.
 - D. Engaging in criminal, dishonest, immoral or disgraceful conduct prejudicial to the City; conviction of a felony or other serious crime.
 - E. Using City facilities, property or personnel for other than officially approved activities.
 - F. Theft in any amount where public assets, or personal property of any other employee or member of the public was taken.
 - G. Misuse of public assets in amounts of \$1,000 over a 12 month period is not only grounds for immediate dismissal, but could be considered a class 4 felony resulting in criminal charges. (See Section 18.2-112.1 (B) of the Virginia Code. Also quoted in full in Discipline procedures section at Paragraph H.)
 - H. Threatening or assaulting a fellow employee or the public at work or when otherwise representing the City.
 - I. Falsifying any City record or report, whether oral or written. Examples include, but are not limited to, employment applications, time and attendance reports,

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- or other inquiries made by supervisors, Department Heads, or other senior management personnel.
- J. Violations of other sections of this manual, to include but not be limited to:
- Drug and Alcohol Policies and accompanying Procedures (Section 6.5 herein, and FTA Procedures in green pages following this Section 6)
 - Sexual Harassment Prevention (Section 6.7 herein)
 - Information Technology (Section 8 herein)

6.3. Standards of Professional Appearance.

Employees are expected to follow the dictates of good hygiene and cleanliness regarding their persons and their clothing. Further, all are expected to dress in a manner appropriate for the tasks they perform, and indicative of the fact that they work for the City. Management employees are expected to be dressed in a traditionally professional style whenever representing their departments before City Council or any other public forums, or when representing the City in any meetings with persons not in the City's employ. At other times, they, along with other office workers may dress in the style known as *business casual*. *Business casual* generally means that suit or sport jackets are optional, shirts without ties, and slacks or khaki pants for men; for women, it usually means coordinated shirts/blouses with skirts or slacks; However, denim jeans are generally discouraged as usual office attire, except on especially designated "casual days".

6.3.1. The following are some clothing styles popular as of the writing of this document that are prohibited for regular office attire:

- A. Flip-flop style sandals or athletic shoes
- B. Sweatpants
- C. Tank-tops, sweatshirts and/or tee shirts with slogans on them, except for those displaying the City seal.
- D. Low cut blouses / shirts that expose the chest or abdominal areas.

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- E. Trousers that are baggy, do not remain properly situated at the waist, and expose the wearer's undergarments.
 - F. Shorts; see paragraph 6.3.2 below.
 - G. Any clothing, jewelry or hairstyle that poses a safety hazard to the wearer.
- 6.3.2. Uniforms. Department heads may approve the use of a uniform pattern of attire for workers who perform the majority of their duties in the outdoors. These may include denim jeans or shorts, depending upon the work being done, however, in no case shall denim jeans or shorts be routine office attire. See also paragraph 6.4.4.

6.4. Use of City Issued Equipment

- 6.4.1. Telephones and Cellular Phones. These pieces of equipment are provided for the use of the employee in conducting City business, only. They are not for the personal use of the employee and may not be relied upon as such. Employees who use the City issued telephones for personal calls may be asked to reimburse the City for such use; if such use becomes excessive, disciplinary action may be taken against the employee. Please refer to the Information Technology Section for Policy on the use of Cellular Telephones.
- 6.4.2. Computer equipment. Use of City issued computer equipment is also for the conduct of official City business. Employees have no expectation of privacy with respect to the email system or files stored on the City's computer system. Please refer to the Information Systems and Technology section for more details. Violations of any Information Systems/Technology policy, whether contained in this publication or issued separately shall be considered violations of the City's standards of acceptable conduct, and will be adjudicated under the disciplinary procedures outlined in the green pages.
- 6.4.3. City Vehicles. City vehicles are similarly for the conduct of official City business and may not be used in personal pursuits,

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or for outside employment purposes. Employees will be required to possess and maintain a valid Virginia driver's license with an acceptable driving record. Please refer to the City's Motor Vehicle Policy for more details. Violations of the City's Motor Vehicle Policy shall be considered violations of the City's acceptable standards of conduct, and adjudicated under the disciplinary procedures outlined in the green pages.

- 6.4.4. City Issued Uniforms. Employees who are issued uniforms are expected to wear these and keep them in good repair. The issuing departments will have specific guidelines for the care and maintenance of uniforms. Failure to maintain uniforms in good repair, assuming normal wear and tear, will result in the employee being charged replacement costs, and may result in disciplinary action if the department head deems the damage to be willful.
- 6.4.5. Identification Badges. City Identification badges are to be carried or worn any time the employee is physically located in City Hall, any of the Court buildings or in the Police Department. If simply carried on one's person, these badges must be presented if asked by a member of law enforcement or other authorized official. If lost, these badges must immediately be replaced by notifying the issuing department or Human Resources.
- 6.4.6. Miscellaneous City equipment. All City issued equipment, uniforms, passwords, keys, weapons, etc., shall be returned to the City upon the separation of an employee from employment with the City. Issuance of the final pay to the employee may be delayed if any City equipment has not been returned or its monetary value paid to the City by the employee. The City will take the necessary action to recover this equipment or its monetary value if not voluntarily returned.
- 6.4.7. Misuse of City equipment for any reason or use of City equipment for other than City business is likely to result in disciplinary action, up to and including dismissal, according to the disciplinary procedures outlined in the green pages.
- 6.4.8. By act of the General Assembly in 2008, in section 18.2-112.1 of the Virginia Code, certain misuse of public assets could be

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classified as a class 4 felony. Sub-paragraph B of that section reads:

"Any full time officer, agent, or employee of the Commonwealth, or of any city, town, county or any other political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12 month period, is guilty of a class 4 felony."

It is important to note that not only could an employee be dismissed from City services for such acts, said employee may also be facing criminal charges for having done so.

6.5. Drug and Alcohol Use / Abuse

The City recognizes that alcoholism and drug dependency are illnesses for which there is effective treatment and rehabilitation. However, the City also recognizes the dangers of impairment due to their use in the workplace, and therefore seeks to maintain a drug and alcohol free workplace.

For purposes of the policy, "substances" will be taken to mean illegal drugs, as well as illegally obtained but otherwise legal controlled substances. This prohibition applies to any and all forms of drugs (including, but not limited to, narcotics, depressants, stimulants, or hallucinogens.) whose sale, purchase, transfer, use or possession is prohibited or restricted by law.

6.5.1. Prohibited Conduct: Involuntary Indication of Dependency.

- A. Arriving at work under the influence of alcohol or any substance, regardless of whether it is legally or illegally obtained, where one's ability to perform the essential duties of one's position is impaired will be considered to be a violation of this policy. Individuals whose physician directed use of medications renders them unable to perform the essential duties of their positions are directed to utilize sick leave while required to use said prescription medications.

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- B. The sale, purchase, transfer, use and/or possession of illegal substances as defined above by employees on City premises or while conducting City business is prohibited.
- C. Any employee discovered engaging in the activities defined in paragraph 6.5.1.B above shall be suspended immediately pending investigation, and is subject to further disciplinary action.
- D. Persons discovered to be under the influence of illegal or illegally obtained legal substances, or alcohol, while on duty are subject to disciplinary action, which may include direct referral to the Employee Assistance Program in lieu of dismissal. In such instances, cooperation and full participation in the program is a condition of continued employment with the City. Full participation may include being subject to random follow-up testing for a period of two (2) years after the initial program completion.
- E. Any employee who has been charged with any criminal drug violation must notify his/her supervisor and Department Head in writing no later than five calendar days after such charge occurs, or be subject to severe disciplinary action, up to and including dismissal if:
 - i. the incident occurred in the workplace, or
 - ii. if the charge has the result of impacting the validity of a driver's license where driving is an essential duty of the position held, regardless of when or where the incident leading to the charge took place, or
 - iii. if the employee is to be incarcerated and thus unable to report to work during the intervening period before trial will commence, or
 - iv. if the incident results in a conviction, particularly if the subsequent penalty requires incarceration that prevents

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the employee from performing his or her essential functions, or

- v. if a conviction was discovered on a newly hired employee whose continued employment was contingent upon receipt of satisfactory findings on a required Criminal Background check.
- vi. The Human Resources Department will conduct driving records checks on employees upon hiring and on an annual basis thereafter.

6.5.2. Treatment for Voluntary Indication of Dependency.

- A. Employees who suspect they may have a dependency problem with alcohol or other substances, even if it is in early stages, are encouraged to seek diagnosis and treatment through the guidance of qualified professionals in order to arrest the development of this problem at the earliest possible stage. The Employee Assistance Program is available for this purpose in addition to its other valuable services.
- B. No employee may be penalized for voluntarily seeking diagnosis and treatment for an alcohol or substance abuse problem as long as no work related accident or violation of policy has occurred.
- C. Except for referring employees to the Employee Assistance Program, or providing general, good common sense advice regarding not drinking and driving, etc., no supervisor or manager may attempt to provide psychological or treatment-related counsel to employees who may have a problem with alcohol or other substances; it is essential that employees in such matters be referred to expert medical and /or psychological professionals who are trained to handle such matters, such as the ones at the Employee Assistance Program.

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- D. Persons who complete a rehabilitative program will be required to meet existing job performance standards and established work rules.
- E. Persons requiring a leave of absence to deal with their substance abuse issues in a treatment session may apply for said leave of absence, and it shall be evaluated for approval on the same basis as any other health related leave of absence. Alcoholism and drug dependency are considered to be serious health conditions under the definitions of the Family and Medical Leave Act.

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6.6. Ethics

6.6.1. Solicitations

- A. Unrestricted solicitation on City premises interferes with normal operations, is detrimental to discipline and efficiency on the part of employees, is annoying to others and may pose a threat to security. The City prohibits solicitation on its premises, whether by employees or by individuals or groups not associated with the City, except in circumstances outlined below:
 - i. Certain recognized charities are permitted to solicit contributions on City premises during specified times of the year. Except by prior written approval of the City Manager, all other solicitations of funds or signatures, eligible membership drives, distribution of literature or gifts, and offers for sale of merchandise or tickets by individuals or groups not associated with the City are prohibited.
 - ii. Solicitations for gifts or expressions of sympathy to fellow employees or their families may be permitted with prior approval of the Department Head.
- B. The Director of Human Resources, together with the Assistant City Manager, will ensure that all solicitations and distributions authorized under this policy are conducted so as to not interfere with the duties of employees, the security of the City premises, or the rights of our citizens.
- C. This prohibition shall apply also to the posting of flyers on bulletin boards or transmission through the email system.

6.6.2. Receipt of Gifts

- A. For purposes of this policy, **nominal value is interpreted to be \$25 or less**; and received on an occasional, infrequent basis.

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- B. Employees are not permitted to accept any gift of more than nominal value from persons or groups with whom they do business, or with whom the City may be contemplating a contractual relationship, if such gift could be construed to be a bribe, an attempt to gain favorable recommendations from the employee regarding their relationship with the City when said employee's routine job duties involve making such recommendations.
- C. Vendors frequently send gifts of nominal value during the holiday season. Whenever possible, these gifts should be shared with the department receiving them. **Gifts of more than nominal value must be returned.**

6.6.3. Provisions of the Virginia State and Local Government Conflict of Interest Act.

Employees are required to comply with the Virginia State and Local Government Conflict of Interest Act. However, the City expects a higher level of ethical conduct by its employees than that required by law. City employees shall avoid even the appearance of impropriety by refraining from behavior that, while not illegal, would be likely to raise questions in the minds of the public that an actual conflict of interest exists.

- A. As this policy document cannot anticipate all the situations that would constitute a conflict of interest, employees having questions regarding situations that might be deemed illegal or inappropriate under the Act's provisions may consult their department supervisory staff who, in turn, will consult either the Commonwealth's Attorney or the City Attorney. Questions involving City Policy contained herein are to be directed to the Director of Human Resources.
- B. The following are examples of situations that will be considered violations of City policy, if not the Act itself:
 - i. Interaction between Employees and City Council. No employee may initiate contact or consult directly with a City Council member regarding any of the following items

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for which there are other established administrative procedures:

- a. Employee's own job assignment.
 - b. Employee's own grade or salary level.
 - c. Employee's own performance evaluation.
 - d. Disciplinary actions taken against said employee.
- ii. This does not prohibit employees from dealing with City Council members as private citizens regarding civic matters or issues that are unrelated to their personal employment with the City.
- C. The Charter section of the City Code of Ordinances establishes and assigns the responsibility for the control of personnel and administrative matters concerning employees to the City Manager. Members of the City Council are prohibited from interfering with the City Manager and his/her subordinates. To wit:
- i. Interference with manager and subordinates by Council and Councilmen.*

Neither the Council nor any of its eligible members shall dictate the appointment of any person to office or employment by the City Manager, or, in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of its officers or employees in the administrative service. Except for the purpose of inquiry, the Council and its eligible members shall deal with the administrative service solely through the City Manager and neither the Council nor any eligible member thereof shall give orders to, or interfere with, any of the subordinates of the City Manager, either publicly or privately. (Fredericksburg Code of Ordinances, Part I, Subsection A, Charter; Chapter II, Section 9)

- D. Outside Employment. No employee may undertake full-time, part-time or temporary employment that would cause a conflict of interest involving the City.

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- i. No employee may represent the City in transactions involving a business with which the employee or a member of his/her family has significant financial interest, with "significant" being defined as sufficient to create in the mind of a reasonable person the appearance of impropriety.
- ii. No employee will directly or indirectly give, offer, or promise anything of more than nominal value to any representative of any financial institution in connection with any transaction or business that the City may have with such financial institution.
- iii. No employee may use for his/her personal economic benefit, or that of any other party, confidential information that has been obtained through his/her public position.
- iv. No employee may supervise, or have any influence upon decisions regarding employment or salary for any member of his or her immediate family, or anyone with whom he or she has a significant personal relationship. Significant personal relationship has been defined for purposes of this policy to include not only family members, but also persons the employee dates, with whom the employee co-habitates, or with whom the employee is involved in a sexual or romantic relationship, no matter how brief.

6.6.4. Community Affairs and Political Activity

- A. Community Affairs. Time spent in community activities shall be outside the employee's working hours and will not be considered hours worked for pay purposes. However, time spent in work for charitable, public or similar purposes at the City's request or under its direction or control will be considered hours worked for pay purposes. Voluntary employee participation in community affairs that may involve an extended period away from the job will be handled in accordance with policies contained in the

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sections involving Leave (Section 3-5, Benefits, subparagraph b)

- i. Political Activity. City employees have traditionally stayed out of local elections to avoid the appearance of bias.
 - a. No City employee will be deprived of the right to vote, to express opinions or to join in any political organization; provided, however, that nothing in this section will prohibit any appointing authority from determining whether an employee's political activity interferes with such employee's job performance.
 - b. No officer or employee of the City will solicit or attempt to solicit or induce another to solicit any contribution or donation of anything of value, or to give any endorsement on behalf of any other employee in the City service in connection with any political campaign or political organization.
 - c. No officer or employee of the City will use, or permit to be used, anything, including vehicles or any other property owned by the City, including the City Seal or Coat of Arms, on behalf of or for the benefit of, any political organization or candidate for public office.
 - d. Any employee in the City service who accepts an appointment to or becomes a candidate for election to any federal, state or local public office will resign his/her position unless, prior to accepting the appointment or becoming a candidate, the officer or employee obtains BOTH of the following:
 - An advisory opinion from the Commonwealth's Attorney stating that his/her off duty candidacy or acceptance of the appointment and continued status as a City Officer or employee would not constitute a violation of the State and Local Government Conflict of Interest Act.

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- An opinion from the officer or employee's Department Head that states that the employee's off-duty candidacy or acceptance of the appointment will not have an adverse impact on the employee's performance of City duties and that such off-duty candidacy or appointment will not have an adverse impact on the ability of the employee's co-workers to perform their public duties. Before rendering such opinion, the Department Head will confer with the employee's immediate supervisors and obtain the approval of the City Manager.
- e. Any City officer or employee who desires to become a candidate for public office but is unable to obtain the opinions described above may be permitted, at the discretion of the City Manager, to be absent from his/her duties by being placed on leave without pay during the period of such candidacy. Any City officer or employee who is elected or appointed to a public office as described herein and is unable to obtain the opinions described above will resign his/her City position before assuming office.
- f. As stated in Chapter II of the Charter of the Code of Fredericksburg, City employees are prohibited from holding office as an eligible member of City Council or Mayor.
- g. No person elected to the Council or the Mayor, whether he qualifies or not, shall, during the term for which he was elected or twelve (12) months after the expiration of that time, be elected by the Council or appointed by the City Manager to any position or office of trust or profit of the City. (Code of Ordinances, Part I, Subsection A, Ch II, Section 10)
- h. Except as specified above, nothing in this section will limit the right of any City officer or employee

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to take part in the management of any political party or other group which sponsors candidates for election to local, state or national public office, provided that such activity is not conducted during the employee's working hours or at the employee's place or work; or to limit any officer's or employee's right as a citizen to express his/her opinion or to vote.

- i. No City funds shall be used to make contributions or in expenditures in connection with the election to any political office or in connection with any primary election or political convention or caucus held to select candidates for any political office.

6.6.5. Personal Finances

All employees are expected to discharge their financial obligations so that creditors will not ask for the City's assistance in collecting amounts owed to them. Employees must understand that the City cannot provide personal accounting services; each employee is responsible for his or her own financial matters.

- A. Employees who are experiencing financial difficulties may wish to seek the services of the Employee Assistance Program (EAP).
- B. Employees are encouraged to work with creditors to determine a payment plan that will ensure payment to the creditors without involving the City's Human Resources and Payroll staffs.
- C. Whenever the City is served with a writ of garnishment or attachment, a notice of levy by the Internal Revenue Service, a Notice of Tax Lien by another locality, or similar notices from other taxing authorities, requiring that payment of some or all of an employee's compensation to someone other than the employee, it shall be referred immediately to the Payroll division of Fiscal Affairs, with a copy coming to Human Resources. Failure to act promptly on these may render the City liable. Employees must

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understand that in these matters, the City cannot refuse to comply or make other arrangements. These are obligations of the employees to settle.

- D. In the event that garnishment or similar proceedings are instituted against an employee, the City will deduct the required amount from the employee's paycheck, and will only deduct those amounts that are permitted under the law. These amounts may include charging the employee an administrative fee, if as many as two such documents have been received by the City within a twelve (12) month period.
- E. Compliance with these writs and garnishments and similar orders impose administrative and financial burdens on the City. Additionally, the failure of an employee to meet his/her financial obligations may reflect unfavorably on the City and frequently has adverse impacts on the employee's job performance.
- F. Disciplinary action may be instituted upon receipt of the third garnishment.
- G. Other Considerations Regarding Outside Employment
(see also Section 6.6.4 above)

The City recognizes the rights of employees to spend off duty time as they wish, however, it does require that those activities be such that they do not adversely impact the employee's job performance or compromise the City's interests. One of these activities is the holding of second jobs.

- i. Employees are cautioned to consider carefully the demands that such employment will create. Outside employment is not an excuse for poor performance, absenteeism, tardiness, refusal to travel, or refusal to work overtime or different hours, as the City requires. Should the outside employment cause or contribute to any problems with the City employment of an individual, such outside employment must be

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discontinued. If necessary, disciplinary procedures will be instituted, up to and including, dismissal.

- a. Under no circumstances may employees conduct business other than that of the City on City premises, on City time or utilizing City equipment.
- b. Employees may not accept outside employment that:
 - Reduces employee's efficiency in working for the City;
 - Involves working for an organization that does a significant amount of business with the City, such as major contractors, suppliers, etc.
 - May adversely affect the City's image; or
 - May create an overtime situation under the provisions of the Fair Labor Standards Act.
- ii. All employees are expressly prohibited from engaging in any activity that compromises the City's interests. This prohibition includes performing services for citizens on non-working time that is normally performed by City personnel, the unauthorized use of any City tools or equipment, and the unauthorized use or application of any confidential information acquired as a City employee.
 - a. Employees are not to conduct outside business during paid working time or utilizing City equipment.
 - b. Supervisors and Department Heads are to be especially watchful that injuries sustained by employees on outside employment do not result in workers' compensation claims under the City's workers' compensation coverage.

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6.7. Prevention of Sexual Harassment

It is the City's policy to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. This policy defines and prohibits conduct that could constitute sexual harassment, and provides a process for receiving and resolving sexual harassment complaints.

- 6.7.1. *No Nepotism.* No employee may supervise or otherwise have access, control or influence over work activities or salary matters for persons with whom he or she has a significant relationship. For purposes of the Human Resources Policies (the "Plan"), "significant relationship" is defined as a parent, child, spouse, sibling, co-habiting sexual partner, or anyone else whom the employee dates, or with whom the employee has an amorous relationship. The terms "co-habiting," "dates," and "amorous" fall within this prohibition no matter how brief in time the relationship exists or existed.
- 6.7.2. This policy applies to all City employees at all City locations.
- 6.7.3. SEXUAL HARASSMENT WILL NOT BE TOLERATED IN THE FREDERICKSBURG CITY GOVERNMENT. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 ("Title VII") and may also violate other federal and State of Virginia laws. It also violates the City's Plan. However, conduct which violates the Plan does not necessarily have to violate other laws and may be less offensive than the conduct necessary to violate other laws such as Title VII. Harassment, including sexual harassment, is contrary to basic standards of conduct between individuals and is prohibited. It will therefore constitute a violation of City policy for any employee to engage in any of the acts or behavior defined herein.
- 6.7.4. Making employment decisions based on sexual favoritism or on the receipt or rejection of sexual favors is prohibited. Likewise, retaliating or discriminating against an employee for rejecting sexual advances and/or complaining about sexual harassment is also prohibited. Any action of a sexual nature which creates a hostile working environment is also prohibited. Any such misconduct will subject an employee to corrective action and/or appropriate disciplinary sanctions ranging from written reprimand and warning up to and including dismissal.

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More serious offenses may result in immediate severance of the employment relationship, even if it is the harasser's first offense. The department head, supervisor or City Manager is not required to utilize progressive discipline when disciplining an employee who commits a serious offense of a sexual nature in the City work place.

- 6.7.5. Employees who feel they have been discriminated against on the basis of gender, or harassed in any manner, including sexual, should immediately report such incidents following the procedures incorporated herein by reference without fear of reprisal.
- 6.7.6. Both men and women can be sexually harassed, and other employees can be affected by conduct that is not necessarily directed to them. Therefore, it shall be the duty of all employees, supervisors and department heads to promptly report any incidents of sexual harassment to (1) their immediate supervisor, (2) the Human Resources Director, and (3) the City Manager, excepting any of them alleged to be a harasser.
- 6.7.7. The City recognizes that the issue of whether sexual harassment has occurred requires a factual determination based on all the evidence received. The City also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. Therefore, ALL complaints will be investigated promptly. Confidentiality will be maintained to the extent permitted by the circumstances and consistent with this policy.

A. Definitions.

- i. Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment.
 - b. Submission to or rejection of such conduct is used as a basis for employment decisions affecting such individuals.

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- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- 6.7.8. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Sexual harassment refers to sexual behavior that is not welcome and is personally offensive. It may lower morale and interfere with work effectiveness.
- 6.7.9. Prohibited Conduct.
 - A. Employees shall not sexually harass other employees. No employee may supervise or be in the chain of command or supervision of another employee whom he or she dates or with whom he or she has or had an amorous relationship, however brief.
 - B. The following examples of conduct may or may not constitute sexual harassment under Title VII of the Civil Rights Act of 1964 depending upon the circumstances under which they occur, but are examples of statements or conduct which are inappropriate and constitute misconduct under the Human Resources Policies, for which appropriate disciplinary action will be taken. They do not represent all forms in which misconduct under this policy or sexual harassment may occur.
 - i. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors, such preferences including, but not limited to, hiring, promotion, training, and other opportunities or benefits, acceptance of a lower standard of performance, providing higher performance evaluations, and lax time-keeping, when similarly qualified persons are not afforded such benefits or opportunities.
 - ii. Explicit or implicit threats that an employee's job will be adversely affected if sexual demands are rejected, including, but not limited to, lower evaluations, denial of promotions or other employment opportunities,

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punitive transfers, terminations, and altered or increased work assignments.

- iii. Denial of employment opportunities or otherwise adversely affecting a person's employment as set forth in subsection b above, based on rejection of sexual attention or demands.
- iv. Deliberate, repeated or unsolicited verbal comments and gestures of a sexual nature. This includes any type of sexually suggestive remarks, drawings, paintings, photographs or other depictions, transmissions or jokes.
- v. Deliberate, unwanted, repeated, and unsolicited touching of any kind, including the touching, patting, kissing or pinching of another person and the repeated brushing against another person's body.
- vi. Propositions of a sexual nature; continued or repeated verbal comments of a sexual nature; degrading, abusive or sexually suggestive comments about an employee's appearance; whistling or catcalling of a sexual nature; and the display of sexually suggestive objects or paintings, drawings, photographs or electronic transmissions.
- vii. Using coercive sexual behavior to control or affect the career, salary, performance, or performance review of another employee.
- viii. Unreasonably interfering with work performance or creating an otherwise offensive working environment.
- ix. Demeaning, aggressive, intimidating or rude behavior which is gender-based and which creates a hostile work environment.
- x. Coercing sexual intercourse or assault.
- xi. Using disparaging, demeaning or sexist terms to refer to employees.

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xii. Indecent exposure.

xiii. Public displays of romantic or sexual affection, even consensual, including but not limited to, kissing, full hugs, touching, patting, wrestling, tussling or otherwise flirting during business hours or on City property, which are offensive or uncomfortable for other employees, supervisors or members of the public.

6.7.10. Any employee who uses implicit or explicit sexual behavior to control, influence, or affect the employment of an employee is engaging in sexual harassment. Any employee who makes deliberate and/or repeated offensive verbal comments or gestures, or who engages in physical contact of a sexual nature which is unwelcome in the workplace is also guilty of sexual harassment.

6.7.11. Roles and Responsibilities.

A. A supervisor has the responsibility to:

- i. Ensure that no employee under his or her supervision is subjected to sexual harassment, or actions which could be perceived as sexual harassment as defined above, as a result of their own actions, those of other employees, or those of third parties such as customers or contractors.
- ii. Provide a working environment which is free of harassment and/or intimidation.
- iii. Promptly report to the City Manager, Director of Human Resources, or other designee, any observed behavior that violates this policy.
- iv. Make all employees aware that false accusations will result in severe disciplinary action, up to and including separation from employment.

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- v. Circulate this policy and distribute complaint procedures when received by HR to all employees.

6.7.12. The Human Resources Department will ensure that a Sexual Harassment in the Workplace policy statement is posted throughout the City office buildings, and that procedures for filing a complaint of harassment are distributed to all employees.

6.7.13. All employees are expected to conduct themselves in a manner that will ensure proper performance of City business and maintenance of public trust and confidence.

6.7.14. Those who have been adversely impacted by sexual harassment have a responsibility to make it clear to the harasser, directly or through the complaint process, that such behavior is offensive and to provide notice of the harassment in a timely manner as outlined in the procedures document.